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SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS:
SPECIAL ECONOMIC, HUMANITARIAN AND DISASTER
RELIEF ASSISTANCE

Statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status with the Economic and Social Council, category I

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 23 and 24 of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968.

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The following resolution was adopted without a vote by the 90th Inter-Parliamentary Conference 1/ (Canberra, 10-18 September 1993):

1/ On 1 June 1994, 129 National Parliaments were represented in the Inter-Parliamentary Union. Delegates from the following 95 countries were present at the Conference in Canberra: Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Botswana, Brazil, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Luxembourg, Mali, Malaysia, Malta, Mexico, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND SUPPORT FOR HUMANITARIAN ACTION IN ARMED CONFLICTS

The 90th Inter-Parliamentary Conference,

Considering:

(a) That the events taking place in the theatres of contemporary armed conflict are unacceptable and call for a vigorous reaction on the part of the international community, of which parliaments are one of the main emanations,

(b) That the fundamental principles and rules of international humanitarian law constitute a set of values universally accepted by the international community,

(c) That efforts to implement these principles and rules at the national level are insufficient,

(d) That the fundamental rules of international humanitarian law are as yet unfamiliar to those who have to implement them,

(e) That coordination and joint action and approaches by the various participants in international humanitarian aid have not yet made it possible to respond sufficiently rapidly and on the necessary scale for the immense needs engendered by armed conflicts,

(f) That financial and human resources for the protection of the victims of armed conflicts are inadequate,

Deploring that the civilian population is frequently the principal victim of the hostility and violence of armed conflict,

Condemning in particular ethnic cleansing operations, genocide, military aggression against the territory of other States, barbaric military action against civilians, the destruction of their houses and property, the coercion used to force civilians to leave their towns and villages, all acts which certain States commit or fail to prevent, in violation of the principles of international humanitarian law and all international covenants and practices,

Also condemning the renewed outbreak of systematic sexual violence against women and children which constitutes a grave violation of international humanitarian law,

Deploring that the methods and means used in internal armed conflict cause great suffering,

Recalling the link between action to prevent armed conflicts and action to ensure respect for humanitarian rules in conflicts, especially in the areas of disarmament and human rights,

Reaffirming its conviction that, by preserving a sphere of humanity in the very heart of armed conflict, international humanitarian law keeps open the path

towards reconciliation and contributes not only to restoring peace among the belligerents but also to harmony among peoples,

Regretting that international humanitarian law has not yet become universal since at present one third of all States have not acceded to the 1977 Protocols additional to the Geneva Conventions, only 36 States have acceded to the 1980 Convention prohibiting or restricting the use of certain conventional weapons and only 82 States have acceded to the 1954 Convention for the Protection of Cultural Property,

Further regretting that the international relief and protection effort during armed conflicts - both within the framework of competent United Nations institutions and bodies and by the International Committee of the Red Cross (ICRC) and other international and regional humanitarian organizations - is encountering serious difficulties and dangers, including the refusal by one or more parties to a conflict to reach agreement with such organizations, the blockade of humanitarian action, attacks against humanitarian personnel, food supplies and relief, the refusal of parties to the conflict to transport food supplies to the victims or to allow the relief organizations access to prisoners of war and imprisoned civilians,

Deploring the lack of protection for peace-keepers and peacemakers under current humanitarian law,

Deploring the growing number of journalists and other media agents killed, wounded or abducted on the battlefield,

Welcoming the fact that the United Nations has recently reaffirmed the concept of humanitarian assistance, including relief for civilian populations and the idea of establishing security corridors to ensure the free access to this relief to the victims, in addition to protected zones created by decision of the United Nations, failing any initiative by the parties to the conflict and placed under the responsibility of its civilian and military personnel and/or international humanitarian organizations,

Welcoming the adoption in Geneva on 1 September 1993 by the International Conference for the Protection of War Victims of a solemn declaration in which States reaffirm inter alia their determination to respect and enforce international humanitarian law,

Welcoming the decision unanimously adopted by the Security Council in May 1993 to establish a tribunal to try war criminals accused of having committed genocide, rape, torture and ethnic cleansing as well as other serious violations of international humanitarian law in the territory of former Yugoslavia,

Recalling the resolution adopted by the 76th Inter-Parliamentary Conference (Buenos Aires, October 1986) on the contribution of parliaments to the implementation and improvement of international humanitarian law in armed conflicts,

1. Calls on all States which have not yet adopted the following instruments to examine or review without delay the possibility of adopting them rapidly:

(a) The Additional Protocols relating to the protection of victims of international armed conflicts (I) and non-international armed conflicts (II), of 8 June 1977;

(b) The Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, of 10 October 1980;

(c) The Convention for the Protection of Cultural Property in the event of Armed Conflict, of 14 May 1954;

(d) The United Nations Convention relating to the Status of Refugees, of 28 July 1951 and its Protocol, of 31 January 1967.

2. Also calls on:

(a) States which have adopted Additional Protocol I of 1977 to make the declaration referred to in Article 90 on the general competence of the International Fact-Finding Commission;

(b) Parliaments and Governments to ensure the proper application of United Nations resolutions on humanitarian issues and to adopt measures at the national level to implement the rules of international humanitarian law, especially by including in their national legislation dissuasive sanctions to ensure that these rules are not violated and by examining the possibility of creating or reactivating interministerial committees or appointing an office or delegate responsible for following and coordinating measures to be taken at the national level;

(c) All States to increase public awareness of and to promote respect for international humanitarian law through education and information programmes;

(d) Governments to promote awareness of international humanitarian law among the armed forces;

(e) All States to remind military commanders that they are required to make their subordinates aware of obligations under international humanitarian law, to make every effort to ensure that no violations are committed and, where necessary, to punish or report any violations to the authorities;

(f) The International Committee of the Red Cross to assist in preparing for a conference to re-examine the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons so as to study the problems of weapons which blind and mines which mutilate civilians;

(g) All States to take the necessary steps to ensure that persons and property protected by international humanitarian law are marked and identified;

(h) All States to make every effort to protect agents from belligerents as well as common criminals and ensure the immunity which should be guaranteed by the emblems of the Red Cross and Red Crescent;

(i) All States to understand the meaning of humanitarian action so as to avoid hindering it, to ensure rapid and effective relief operations by guaranteeing safe access to the regions affected, to take the necessary measures to strengthen respect for the safety and integrity of humanitarian organizations;

(j) All States to negotiate a separate body of humanitarian law dedicated to the effective protection of peace-keepers and peacemakers;

(k) All States to ensure that journalists engaged in a dangerous professional mission in areas of armed conflict benefit from the measures of protection set out in Article 79 of Additional Protocol I of the Geneva Conventions of 1949;

(l) All States engaged in armed conflicts to use the services of the International Fact-Finding Commission to investigate any violation of international humanitarian law, including in internal armed conflicts;

(m) All States to support all the work being carried out or envisaged to strengthen at the international level the means of punishing war crimes;

(n) All States to review procedures on compensation for damages caused to victims of violations of international humanitarian law and the payment of indemnities so as to allow the victims to derive real benefit from the assistance to which they are entitled;

(o) All States to act in cooperation with the United Nations and in conformity with its Charter and in particular its basic principles relating to respect for human rights in all countries with a view to taking all appropriate measures to enforce international humanitarian law;

3. Pays tribute to the action of the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international relief organizations, calls on Governments to increase their financial contributions to these organizations, and commends the staff of these organizations for their dedication and courage;

4. Recommends that the Inter-Parliamentary Council set up a committee to follow the issue of respect for international humanitarian law, particularly the ratification status of the Conventions and Protocols, as well as the implementation of measures at the national level; the committee would report to the Inter-Parliamentary Council at the latter's second session every year, starting in 1994.